

FEBRUARY 14, 2008

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

08 C 936

BOARD OF TRUSTEES OF THE LOCAL)
UNION NO. 422 U.A. OF JOLIET,)
ILLINOIS PENSION FUND AND)
BOARD OF TRUSTEES OF THE LOCAL)
UNION NO. 422 U.A. OF JOLIET,) No.
ILLINOIS WELFARE FUND,)
) Judge
Plaintiffs,)
) Magistrate Judge
v.)
)
PERINO PLUMBING AND HEATING,)
INC., an Illinois corporation,)
)
Defendant.)

**JUDGE DARRAH
MAGISTRATE JUDGE VALDEZ**

COMPLAINT

Plaintiffs, by their attorneys, DONALD D. SCHWARTZ and ARNOLD AND KADJAN,
complain against Defendant, PERINO PLUMBING AND HEATING, INC., as follows:

COUNT 1

1. (a) Jurisdiction of this cause is based on Section 301 of the National Labor
Relations Act, 29 U.S.C. Section 185 (a) as amended.

(b) Jurisdiction of this cause is based upon Section 502 of the Employee
Retirement Security Act of 1974, 29 U.S.C. Section 1132, 1145 ("ERISA"), as amended.

2. Venue is founded pursuant to 29 U.S.C. Section 1132 (e)(2) in this District where
the Funds, as described in Paragraph 3, are administered.

3. (a) The Plaintiffs in this count are BOARD OF TRUSTEES OF THE LOCAL
UNION NO. 422 U.A. OF JOLIET, ILLINOIS PENSION FUND AND BOARD OF

TRUSTEES OF THE LOCAL UNION NO. 422 U.A. OF JOLIET, ILLINOIS WELARE
FUND, (“the Funds”) and have standing to sue pursuant to 29 U.S.C. Section 1132(d)(1).

(b) The Funds have been established pursuant to collective bargaining agreements previously entered into between the Plumbers & Pipefitters Local 422 and its affiliated local (the “Union”) and certain employer associations whose employees are covered by the collective bargaining agreement with the Union.

(c) The Funds are maintained and administered in accordance with and pursuant to the provisions of the National Labor Relations Act, as amended, and other applicable state and federal laws and also pursuant to the terms and provisions of the agreements and Declarations of Trust which establish the Funds.

4. (a) Defendant, PERINO PLUMBING AND HEATING, INC. (“**PERINO**”) is an Illinois corporation and is an employer engaged in an industry affecting commerce.

5. Since on or about May 30, 2000, **PERINO** has entered into successive collective bargaining agreements with the Union pursuant to which it is required to pay specified wages and to make periodic contributions to the Funds on behalf of certain of its employees. (Exhibit “A”)

6. By virtue of certain provisions contained in the collective bargaining agreements, **PERINO** is bound by the Trust Agreement establishing the Funds.

7. Under the terms of the collective bargaining agreements and Trust Agreements to which it is bound, **PERINO** is required to make contributions to the Funds on behalf of their employees and, when given reasonable notice by Plaintiffs or their representatives, to submit all necessary books and records to Plaintiff’s accountant for the purpose of determining whether or not it is in compliance with its obligation to contribute to the Funds.

8. Since May 30, 2000, **PERINO** has admitted, acknowledged and ratified the collective bargaining agreements entered into with the Union by filing periodic report forms with the Funds and by making some but not all of the periodic payments to the Funds as required by the collective bargaining agreements.

9. Plaintiffs are advised and believe that for **January 1, 2005 to the present**, **PERINO** has failed to make some of the contributions from time to time required to be paid by it to the Funds pursuant to the terms of the Trust Agreements by which it is bound, all in violation of its contractual obligations and its obligations under applicable state and federal statutes.

WHEREFORE, Plaintiffs pray for relief as follows:

- A. **PERINO** be ordered to submit to an audit for **January 1, 2005 to the present**.
- B. Judgment be entered against **PERINO** and in favor of Plaintiffs, in the amount shown to be due on the audit.
- C. Plaintiffs be awarded their costs herein, including reasonable attorneys' fees and costs incurred in the prosecution of this action, together with liquidated damages in the amount of 20%, all as provided in the applicable agreements and ERISA Section 502(g)(2).
- D. **PERINO** be enjoined from violating the terms of the collective bargaining agreements and Trust Agreements by failing to make timely payments to the Funds and be ordered to resume making those payments.

E. This Court grant Plaintiffs such other and further relief as it may deem appropriate under the circumstances.

Respectfully submitted,

**BOARD OF TRUSTEES OF THE LOCAL
UNION NO. 422 U.A. OF JOLIET, et al.**

By: 

One of their Attorneys

Donald D. Schwartz
ARNOLD AND KADJAN
19 West Jackson Boulevard
Chicago, IL 60604
(312) 236-0415

**AREA AGREEMENT BETWEEN
PLUMBERS AND PIPEFITTERS LOCAL UNION 422, U.A.
AND
ILLINOIS VALLEY PLUMBING AND PIPEFITTING CONTRACTORS ASSOCIATION**

THE ABOVE NAMED PARTIES AGREE AS FOLLOWS:

1. All existing bargaining agreements between Local 81 and IVPPCA are terminated and canceled effective 12:01 am on June 1, 2000.
2. Effective 12:01 am on June 1, 2000, the IVPPCA accepts the same terms, conditions, and wages contained in the Local 422 – Kankakee Plumbing and Piping Contractors Association Area Agreement, as the new Local 422 – IVPPCA Area Agreement.
3. The Association represents that it has authority to make this bargaining commitment on behalf of the contractors listed in the attached appendix. Each of those contractors will be bound to this agreement without the need to file any individual assent to the trust funds identified in the Local 422 – Kankakee Plumbing And Piping Contractor Association.
4. The parties agree to participate in the Illinois Valley Construction Industry Labor-Management Program. The two cent per hour Labor-Management contribution will be paid as part of the industry advancement payment.

First Year	\$1.26	June 1, 2000	\$1.25*	\$0.01 Industry Fund
Second Year	\$2.53	June 1, 2001	\$2.49**	\$0.04 Industry Fund
Third Year	\$2.00	June 1, 2002	\$1.96**	\$0.04 Industry Fund
Fourth Year	\$2.00	June 1, 2003	\$1.96**	\$0.04 Industry Fund

* \$0.40 to Wages, \$0.77 to Pension, \$0.08 to Welfare

**\$To be allocated between wages and benefits by the Union with notice to the Employer

PLUMBERS AND PIPEFITTERS
LOCAL UNION #422, UA

THE ILLINOIS VALLEY PLUMBING AND
PIPEFITTING CONTRACTORS ASSOCIATION

Affiliated With

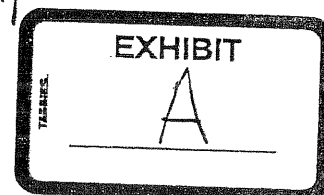
The Illinois Valley Contractors Association

Gary Blankenship
GARY BLANKENSHIP
BUSINESS MANAGER

Dennis V. Dougherty
DENNIS V. DOUGHERTY
EXECUTIVE DIRECTOR

DATE May 30, 2000

DATE May 30, 2000



REVISED APPENDIX TO THE
AREA AGREEMENT BETWEEN
PLUMBERS AND PIPEFITTERS LOCAL UNION 422, U.A.
AND
ILLINOIS VALLEY PLUMBING AND PIPEFITTING CONTRACTORS ASSOCIATION

Central Illinois Contracting Corp.
Chapman's Mechanical Systems
John's Service & Sales
Larry's Universal
M & M Plumbing & Heating
Manley Plumbing & Heating
Metcalf-Martin Plumbing & Heating
Perino Plumbing & Heating
Walsh Plumbing & Heating, Inc.

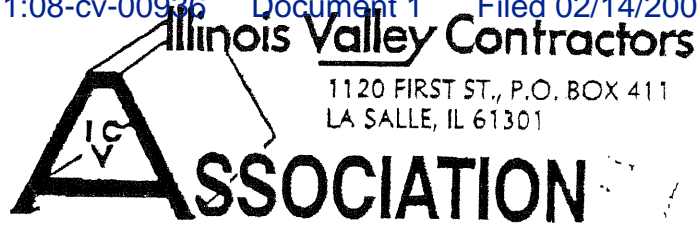
The above list represents the contractors that have assigned their "Bargaining Rights" to our Association. We will notify you of any additional contractors, should they make an assignment.

THE ILLINOIS VALLEY PLUMBING AND
PIPEFITTING CONTRACTORS ASSOCIATION
Affiliated With
THE ILLINOIS VALLEY CONTRACTORS ASSOCIATION


DENNIS V. DOUGHERTY
EXECUTIVE DIRECTOR

DATE May 30, 2000

OFFICERS
GARY SCHWEICKERT
President
JOHN WARD
Vice-President
RODNEY RENNER
Secretary/Treasurer



1120 FIRST ST., P.O. BOX 411
LA SALLE, IL 61301

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Formed December 6th, 1948

11 8

DENNIS V. DOUGHERTY
Executive Director

PHONES:
815/223-0561 or 223-4556
815/223-5908 Fax

July 18, 2000

Certified # 2 382 145 190

Plumbers and Pipefitters
Local No. 422 Pension Plan
Administrative Manager - OBA Midwest, Ltd.
8160 South Cass Avenue
Darien, IL 60561-5319

Re: Signatory Contractors

Dear Sir or Madam,

Please accept this letter as notification that the following Contractors have assigned their "bargaining rights" to our Association, in regards to the recently negotiated contract between our Association and Local 422 of Joliet, Illinois:

Central Illinois Contracting Corp.
Chapman's Mechanical Systems
John's Service and Sales
Larry's Universal
M&M Plumbing and Heating
Manley Plumbing and Heating
Metcalf-Martin Plumbing & Heating
Perino Plumbing & Heating
Walsh Plumbing and Heating, Inc.

If you have any question please give me a call.

Sincerely,

Dennis V. Dougherty
Executive Director

CC: Gary Blankenship

6/11/00